

§ 5.47

date and place of redelivery, and mutually settled by the owner and the representative of the Coast Guard. Should the vessel have been accepted under emergent conditions, any claim for lost equipment or stores must be supported by invoices showing the date of purchase and the cost thereof by the person submitting claim therefor. The representative of the Coast Guard shall take all proper precautions to protect the interest of the owner as well as that of the United States.

§ 5.47 Auxiliary ensign.

(a) The Coast Guard Auxiliary ensign is a distinguishing mark, authorized by the Secretary, and may be displayed by any vessel, aircraft, or radio station at such times and under such circumstances as may be authorized by the Commandant. The penalty for the unauthorized flying of any ensign, flag or pennant of the Auxiliary is set forth in § 5.67 of this part.

(b) The field of the Auxiliary ensign is medium blue (Coast Guard blue) with a broad diagonal white slash upon which a matching blue Coast Guard Auxiliary emblem is centered. The white slash shall be at a 70 degree angle, rising away from the hoist.

(c) The Auxiliary emblem consists of a disk with the shield of the Coat of Arms of the United States circumscribed by an annulet edged and inscribed "U.S. COAST GUARD AUXILIARY" all in front of two crossed anchors.

[CGD 85-073, 52 FR 36760, Oct. 1, 1987; 52 FR 37716, Oct. 8, 1987]

§ 5.48 Auxiliary Patrol Boat ensign.

(a) The Coast Guard Auxiliary Patrol Boat ensign is authorized to be flown on all Auxiliary Operational Facility vessels under orders. The penalty for the unauthorized flying of any ensign, flag or pennant of the Auxiliary is set forth in § 5.67 of this part.

(b) The field of the Auxiliary Patrol Boat ensign is white. A medium blue (Coast Guard blue) Coast Guard Auxiliary emblem is centered on a broad diagonal red (Coast Guard red) slash which is at a 70 degree angle, rising toward the hoist. The red (Coast Guard red) slash is followed, away from the hoist, by two narrow, parallel stripes,

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first a white stripe and then a medium blue (Coast Guard blue) stripe. The entire design is centered on the ensign.

[CGD 85-073, 52 FR 36760, Oct. 1, 1987]

§ 5.49 Reimbursement for expenses.

Any person whose vessel, aircraft, or radio station has been offered to and accepted by the Coast Guard shall, in accordance with instructions of the Commandant, be reimbursed for the actual necessary expenses of operation of such vessel, aircraft, or radio station when assigned to Coast Guard duty. "Actual necessary expenses of operation" includes payment for fuel, oil, power, water, supplies, provisions, and replacement or repair of equipment.

§ 5.51 Damaged equipment or facilities.

The Commandant will prescribe the nature of reports to be made and the procedure to be followed upon the return of a vessel, aircraft, or radio station. If such report shows that the vessel, aircraft, or radio station has been damaged, or that any equipment thereof is in need of replacement or repair, the Commandant shall cause an investigation to be made. If, as a result of such investigation, it is found that the responsibility for the damage rests with the Coast Guard; and that the vessel, aircraft, or radio station had been offered to and accepted by the Coast Guard; and that at the time the damage was incurred the facility was assigned, by competent authority, to specific Coast Guard duties; the damages may be repaired or the equipment replaced, in the discretion of the Commandant, whose decision shall be final, either by the Coast Guard or by the owner of the facility at his own expense for which reimbursement will be made by the Coast Guard.

§ 5.53 Constructive or actual loss.

In case of the constructive or actual loss of a vessel, aircraft, or radio station, where such loss is reported to the Coast Guard within six months from the date of such loss, the Commandant will cause an investigation to be made. If, as a result of such investigation, it is found that the responsibility for the loss rests with the Coast Guard; and

that the vessel, aircraft, or radio station had been offered to and accepted by the Coast Guard; and that at the time of the loss, the facility was assigned, by competent authority, to specific Coast Guard duties; the Coast Guard will make such payment to the owner of the facility, as in the discretion of the Commandant, whose decision shall be final, will compensate such owner for the constructive or actual loss of his vessel, aircraft, or radio station.

§ 5.55 Compensation.

No member of the Auxiliary shall receive any compensation for his services as a member of the Auxiliary.

§ 5.57 Traveling expenses and per diem.

A member of the Auxiliary, when assigned to specific duties, may be paid actual necessary traveling expenses, including a per diem allowance, in conformity with Comptroller's Manual, U.S. Coast Guard.

[CGFR 49-46, 14 FR 7528, Dec. 16, 1949, as amended by CGFR 61-55, 26 FR 10571, Dec. 28, 1961]

§ 5.59 Medical treatment and hospitalization.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing patrol duty or any other specific duty to which he has been assigned, such member or his beneficiary shall be entitled to the same benefits as are now or as may hereafter be provided for temporary members of the Coast Guard Reserve who suffer physical injury or death resulting from physical injury incurred in line of duty. Members of the Auxiliary who contract sickness or disease while performing patrol duty or any other specific duty to which they have been assigned shall be entitled to the same hospital treatment as is afforded members of the Regular Coast Guard.

§ 5.61 Uniforms.

Members of the Auxiliary may purchase from the Coast Guard at actual cost such uniforms as may be authorized by the Secretary. Such uniforms may be worn by members of the Auxil-

iary under such circumstances and upon such occasions as may be authorized by the Commandant.

§ 5.63 Insignia.

Insignia, as authorized by the Secretary, may be purchased from the Coast Guard at actual cost and may be worn by members of the Auxiliary under such circumstances, at such places, and upon such occasions as may be prescribed by the Commandant.

§ 5.65 Medals.

The Commandant may make awards, including medals, to members of the Auxiliary.

§ 5.69 Limitations of rights, privileges, and benefits.

Section 893 of Title 14, U.S. Code, reads as follows:

Members of the Auxiliary and temporary members of the Reserve shall be entitled only to such rights, privileges, and benefits as are specifically set forth for them in this title or as may be specifically provided for them in any other Act of Congress. Any Act of Congress which grants rights, privileges, or benefits generally to military personnel, or among others, to personnel of the Coast Guard and the Coast Guard Reserve, without specifically granting such rights, privileges, or benefits to members of the Auxiliary or temporary members of the Reserve, shall not be deemed applicable to members of the Auxiliary or to temporary members of the Reserve.

[CGFR 59-58, 24 FR 10718, Dec. 25, 1959]

PART 6—PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

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- 6.01-3 Captain of the Port.
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- 6.04-1 Enforcement.
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- 6.04-6 Establishing security zones; prohibitions with respect thereto.
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